

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X

AMERICAN GUARANTEE AND LIABILITY  
INSURANCE COMPANY,

Plaintiff,

-against-

ALAN P. ROSEFIELDDE,

Defendant.

-----X

Civil Action No.  
07 Civ. 11273 (GWG)

REPLY TO COUNTERCLAIMS

ECF CASE

Plaintiff American Guarantee and Liability Insurance Company ("American Guarantee"), by its attorneys, Steinberg & Cavaliere, LLP, as and for its Reply to Counterclaims interposed by defendant Alan P. Rosefielde, alleges as follows:

AS TO COUNT ONE

1. Denies each and every allegation contained in paragraph 70 of the Counterclaims.

2. Denies each and every allegation contained in paragraphs 71 and 72 of the Counterclaims, except states that American Guarantee has provided defendant with a defense to the claims asserted in the Kaye Action and continues to provide defendant with a defense in connection with the appeal in the Kaye Action subject to a full reservation of rights.

3. Neither admits nor denies the allegations contained in paragraph 73 of the Counterclaims, and respectfully refers to the the letter dated November 16, 2007 for the contents thereof.

4. Denies each and every allegation contained in paragraph 74 of the Counterclaims.

AS TO COUNT TWO

5. With respect to the allegations contained in paragraph 75 of the Counterclaims, the responses set forth in paragraphs 1 through 3 hereof are repeated and realleged with the same force and effect as if set out at length herein.

6. Denies each and every allegation contained in paragraph 76 of the Counterclaims.

WHEREFORE, American Guarantee demands judgment:

1. granting American Guarantee the relief demanded in its Complaint herein;

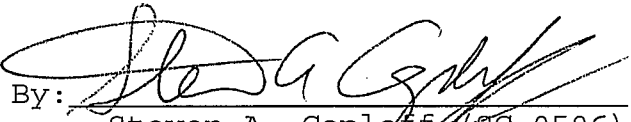
2. dismissing the Counterclaims with prejudice;

3. granting American Guarantee its costs, disbursements and reasonable attorneys' fees herein; and/or

4. awarding such other and further relief as this Court deems just and proper.

Dated: White Plains, New York  
April 7, 2008

STEINBERG & CAVALIERE, LLP

By:   
Steven A. Coploff (SC 0506)

Attorneys for Plaintiff  
50 Main Street, Suite 901  
White Plains, New York 10606  
(914) 761-4200